

**DRAFT PUBLIC EMPLOYEES (RETIREMENT)  
(AMENDMENT)(JERSEY) LAW, 198 .**

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**Lodged au Greffe on 5th August, 1986  
by the Establishment Committee.**

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**STATES OF JERSEY**

**STATES GREFFE**

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## Report

1. It has recently been brought to the notice of the Establishment Committee that the way in which the Crown Officers have been treated for pension purposes since 1968 is not in accordance with the law.
2. In 1963 the States passed an Act (R & O - 4409) declaring that (among others) the four Crown Officers should be "entitled to the same pension or gratuity on retirement or resignation from office as that to which they would be entitled, if they were established members of the Civil Service, by rules made by the States under the Civil Service (Administration) (Jersey) Law, 1948". The rules under the 1948 Law to which the Act refers were the rules establishing or maintaining the Non-contributory Pension Scheme which up to 1968 provided for the payment of pension to members of the Civil Service. The Act when made was quite clear in its application: the four Crown officers were included in the Non-contributory Scheme.
3. The current pension scheme, the Public Employees' Contributory Retirement Scheme, was introduced under the Public Employees (Retirement) (Jersey) Law, 1967, the benefits of which are by Article 1 confined to persons who are or have been "employed by the States". The Establishment Committee has now been advised by Counsel that as the Crown Officers, although paid by the States, are not in the law "employed by the States", they cannot lawfully be treated as members of the Public Employees' Contributory Retirement Scheme, even though the four holders of the posts in 1968 were thought to have become members of the new scheme and Crown Officers appointed after that date have automatically and without question been treated as if they were included within it. Counsel has advised that the Crown Officers concerned have nevertheless no entitlement to pension under the Contributory Scheme.

4. The Establishment Committee is satisfied that in these rather peculiar circumstances the correct course of action for the States is to give retrospective authority for what was undoubtedly intended should be done in 1968 and what has in fact been done since 1968. It is only in this way that the position can be restored to what it had long been thought to be and what it was clearly intended to be.
5. The achievement of this objective requires the amendment of both the 1967 Law and the 1963 Act of the States. This proposition deals with the amendment to the Law. The Committee will shortly be bringing to the States a proposition for the amendment of the Act.
6. Certain other officers were listed in the Act of 1963 - the Greffier of the States, his Deputy, the Judicial Greffier and his Deputy, the Viscount and his Deputy, and the Magistrate (there is no longer a Sergeant de Justice) and the proposed Law has been drafted in terms which include them too.

### Explanatory Note.

The purpose of this Amendment is to make it clear that the Bailiff, Deputy Bailiff, Attorney General, Solicitor General, Greffier of the States, Judicial Greffier, Viscount, together with their Deputies, the Autorisé de la Partie Publique, the Magistrate and Assistant Magistrate are eligible for membership of the Public Employees' Contributory Retirement Scheme and have been so since the introduction of that Scheme.

**PUBLIC EMPLOYEES (RETIREMENT) (AMENDMENT)  
(JERSEY) LAW, 198 .**

**A LAW** to amend the Public Employees (Retirement) (Jersey) Law, 1967, sanctioned by Order of Her Majesty in Council of the

*(Registered on the      day of      , 198 .)*

**STATES OF JERSEY.**

The      day of      , 198 .

**THE STATES**, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

**ARTICLE 1.**

Immediately before the words "In this" at the beginning of Article 1 of the Public Employees (Retirement) (Jersey) Law, 1967,<sup>1</sup> there shall be inserted the figure "(1)" and after paragraph (1) of the said Article 1 there shall be inserted the following paragraph -

"(2) For the purposes of this Law the officers referred to in sub-paragraphs (a) to (e) of Article 1 of the Departments of the Judiciary and the Legislature (Jersey) Law, 1965,<sup>2</sup> and the Magistrate and Assistant Magistrate shall be deemed to be persons employed by the States."

1 Volume 1966-1967, page 527.

2 Volume 1963-1965, page 551.

*Public Employees (Retirement) (Amendment)  
(Jersey) Law, 198*

ARTICLE 2.

This Law may be cited as the Public Employees (Retirement) (Amendment) (Jersey) Law, 198 and shall be deemed to have come into force on the first day of January, 1968.